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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

19 IN RE: UBER TECHNOLOGIES, INC.,
20 PASSENGER SEXUAL ASSAULT
LITIGATION

| Case No. 3:23-MD-3084-CRB

22 | This Document Relates to:

23 | ALL ACTIONS

**DECLARATION OF KYLE SMITH IN
SUPPORT OF DEFENDANTS UBER
TECHNOLOGIES, INC., RASIER, LLC, AND
RASIER-CA, LLC'S BRIEF IN OPPOSITION
TO PLAINTIFFS' ADMINISTRATIVE
MOTION TO SHORTEN TIME**

Judge: Hon. Lisa J. Cisneros
Courtroom: G - 15th Floor

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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully
 2 submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and
 3 Rasier-CA, LLC's (collectively, "Uber's") Opposition to Plaintiff's Motion to Shorten Time for
 4 Defendant Uber's Response to Plaintiffs' Motion to Enforce PTO No. 5 Related to Government
 5 Investigation Documents.

6 2. On January 31, 2024, Uber produced documents responsive to Paragraph 6B of the
 7 Court's Pretrial Order No. 5 ("PTO 5") that it had identified for production as of that time,
 8 including documents produced in response to five government inquiries covered by Paragraph 6B
 9 of PTO 5.

10 3. Uber has continued to search for documents responsive to Paragraph 6B since its
 11 January 31, 2024 production.

12 4. The parties held a meet and confer on February 7, 2024, in which Plaintiffs raised
 13 certain concerns about Uber's production, and Uber indicated that its search efforts to identify
 14 documents responsive to Paragraph 6B were ongoing. Following that meet and confer, Uber
 15 provided written correspondence to Plaintiffs dated February 8, 2024 addressing Plaintiffs'
 16 concerns. A copy of that letter is attached hereto as **Exhibit A**.

17 5. The February 8, 2024 letter indicated that Uber had identified additional responsive
 18 documents that it would be producing to plaintiffs beginning February 8, 2024, through to the
 19 following week. The February 8 letter also indicated that Uber's search efforts continued. Uber
 20 also identified in the February 8 letter the investigations or inquiries responsive to Paragraph 6B
 21 of which Uber was aware, beyond those reflected in the documents that had already been produced.
 22 Finally, the February 8 letter also expressed Uber's receptiveness to engage with Plaintiffs with a
 23 view towards narrowing any existing disputes, as well as a discussion of a compromise on an
 24 agreed schedule for shortening time on a motion to enforce, if one was filed, which would have
 25 required Uber's opposition to be filed within 11 days of the Plaintiffs' motion.

6. On February 8, February 12, February 13, and February 14, 2024, Uber has produced multiple additional documents to Plaintiffs responsive to Paragraph 6B.

7. Plaintiffs' Motion to Enforce is premature in light of Uber's ongoing discovery productions pursuant to PTO 5, and there is no reason that the motion should be heard on a shortened schedule.

8. Plaintiffs have not made meaningful efforts to obtain a stipulation regarding a shortened briefing schedule for the Motion to Enforce. Plaintiffs' motion does not address prior discussions the parties had regarding a shortened briefing schedule, in which Uber stated that it was willing to agree to a shortened briefing schedule in which its opposition would be submitted 11 days after the opening brief was filed, with a hearing to follow shortly thereafter.

9. Uber should not be deprived of the opportunity to respond to the Plaintiffs' Motion to Enforce in the normal allotted time for response to motions, given that Plaintiffs have failed to provide any fact justifying the rapidly accelerated response time that Plaintiffs propose.

10. A copy of counsel for Plaintiffs' email to counsel for Uber dated February 8, 2024
is attached hereto as **Exhibit B**.

11. A copy of the email exchange between counsel for Plaintiffs and counsel for Uber dated February 9, 2024 is attached hereto as **Exhibit C**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 14, 2024, in Washington, D.C.

Kyle Smith
Kyle Smith